

RESOLUTION NO. 2022-32257

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY SHALL INCREASE FLOOR AREA RATIO ("FAR") FROM 2.25 TO 3.0 IN THE NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT (OCEANFRONT PROPERTIES FROM 6605 – 6757 COLLINS AVENUE), WHERE NOT ALREADY PERMITTED, AND FROM 3.0 TO 4.5 FOR PROJECTS INCLUDING A HOTEL (WITH A MINIMUM OF 150 ROOMS), A MINIMUM LOT SIZE OF 150,000 SQUARE FEET, 50% REDUCTION FROM THE MAXIMUM ZONED DENSITY, WITH OWNER TO PROVIDE A PUBLIC RECREATIONAL FACILITY AND BEACH ACCESS.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 8, 2022, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All

electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

North Beach Oceanside Resort Overlay
District (the "Overlay") Floor Area Ratio ("FAR") Increase

Floor area ratio ("FAR") regulates building size. Under the City Charter, FAR increases require voter approval.

Shall City increase FAR in Overlay (oceanfront properties from 6605-6757 Collins Avenue) from 2.25 to 3.0, where not already permitted, and provide FAR incentive from 3.0 to 4.5 for projects meeting following criteria:

¹ Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

- hotel with minimum 150 rooms,
- 150,000 square feet minimum lot size,
- 50% reduction from maximum density,
- owner provides public recreational facility and beach access?

Yes _____
No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 8, 2022, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

North Beach Oceanside Resort Overlay **District (the “Overlay”) Floor Area Ratio (“FAR”) Increase**

Floor area ratio ("FAR") regulates building size. Under the City Charter, FAR increases require voter approval.

Shall City increase FAR in Overlay (oceanfront properties from 6605-6757 Collins Avenue) from 2.25 to 3.0, where not already permitted, and provide FAR incentive from 3.0 to 4.5 for projects meeting following criteria:

- hotel with minimum 150 rooms,
- 150,000 square feet minimum lot size,
- 50% reduction from maximum density,
- owner provides public recreational facility and beach access?

Yes _____
No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special and Runoff Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for the Special Election until 5:00 p.m. on Tuesday, October 11, 2022. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt

of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the proposal provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject proposal, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the City Code Amendment set forth herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution, ballot measure or City Code Amendment.

SECTION 13.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 20 day of July, 2022.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK
7/21/22

(Sponsored by Mayor Dan Gelber)

DAN GELBER, MAYOR



**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney PAZ 7-12-22
Date RP

**BALLOT QUESTION AND PROPOSED AMENDED CITY CODE TEXT
NOVEMBER 8, 2022 SPECIAL ELECTION**

I. BALLOT QUESTION:

**North Beach Oceanside Resort Overlay
District (the "Overlay") Floor Area Ratio ("FAR") Increase**

Floor area ratio ("FAR") regulates building size. Under the City Charter, FAR increases require voter approval.

Shall City increase FAR in Overlay (oceanfront properties from 6605-6757 Collins Avenue) from 2.25 to 3.0, where not already permitted, and provide FAR incentive from 3.0 to 4.5 for projects meeting following criteria:

- hotel with minimum 150 rooms,
- 150,000 square feet minimum lot size,
- 50% reduction from maximum density,
- owner provides public recreational facility and beach access?

Yes _____
No _____

II. DRAFT PROPOSED AMENDED CITY CODE TEXT:

The first reading of the proposed code amendment is a companion agenda item included as part of Item R5 P on the July 20, 2022 City Commission agenda.

Subject to voter approval of the FAR increase, the Final Ordinance is subject to revision as part of the legislative process, including review/approval by the Planning Board and City Commission.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY SHALL INCREASE FLOOR AREA RATIO ("FAR") FROM 2.25 TO 3.0 IN THE NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT (OCEANFRONT PROPERTIES FROM 6605 – 6757 COLLINS AVENUE), WHERE NOT ALREADY PERMITTED, AND FROM 3.0 TO 4.5 FOR PROJECTS INCLUDING A HOTEL (WITH A MINIMUM OF 150 ROOMS), A MINIMUM LOT SIZE OF 150,000 SQUARE FEET, 50% REDUCTION FROM THE MAXIMUM ZONED DENSITY, WITH OWNER TO PROVIDE A PUBLIC RECREATIONAL FACILITY AND BEACH ACCESS.

ANALYSIS

See attached Commission Memorandum.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

See attached Commission Memorandum.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Mayor Dan Gelber

ATTACHMENTS:

Description

- ▢ Commission Memorandum
- ▢ Resolution

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
City Manager Alina T. Hudak

FROM: Rafael A. Paz, City Attorney



DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY SHALL INCREASE FLOOR AREA RATIO ("FAR") FROM 2.25 TO 3.0 IN THE NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT (OCEANFRONT PROPERTIES FROM 6605 – 6757 COLLINS AVENUE), WHERE NOT ALREADY PERMITTED, AND FROM 3.0 TO 4.5 FOR PROJECTS INCLUDING A HOTEL (WITH A MINIMUM OF 150 ROOMS), A MINIMUM LOT SIZE OF 150,000 SQUARE FEET, 50% REDUCTION FROM THE MAXIMUM ZONED DENSITY, WITH OWNER TO PROVIDE A PUBLIC RECREATIONAL FACILITY AND BEACH ACCESS.

Pursuant to the request of Mayor Dan Gelber, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 8, 2022 for the purpose of submitting to the City's voters the following question:

North Beach Oceanside Resort Overlay District (the "Overlay")
Floor Area Ratio ("FAR") Increase

Floor area ratio ("FAR") regulates building size. Under the City Charter, FAR increases require voter approval.

Shall City increase FAR in Overlay (oceanfront properties from 6605-6757 Collins Avenue) from 2.25 to 3.0, where not already permitted, and provide FAR incentive from 3.0 to 4.5 for projects meeting following criteria:

- **hotel with minimum 150 rooms,**
- **150,000 square feet minimum lot size,**
- **50% reduction from maximum density,**
- **owner provides public recreational facility and beach access?**

Section 1.03(c) of the City Charter provides in pertinent part that the "floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001] ... unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach."

The North Beach Oceanside Resort Overlay District ("Overlay") has been proposed for oceanfront properties from 6605-6757 Collins Avenue. These properties are located within the RM-3 Residential multifamily, high intensity zoning district. Currently, the maximum zoned floor area ratio ("FAR") in the RM-3 district is 2.25 for properties equal to or less than 45,000 square feet and 3.0 for oceanfront lots greater than 45,000 square feet.

This ballot question asks the City's voters whether the City shall increase the maximum FAR for the Overlay from 2.25 to 3.0, where 3.0 is not already permitted; and provide an FAR incentive from 3.0 to 4.5 for projects meeting the following criteria:

1. A hotel with a minimum of 150 rooms,
2. Minimum lot size of 150,000 square feet,
3. 50% reduction from maximum density, and
4. The owner provides a public recreational facility and beach access.

Because the measure contemplates an increase in zoned FAR, the approval of the City's voters is required pursuant to Sec. 1.03(c) of the City Charter.

Ordinances amending the Land Development Regulations and Comprehensive Plan, respectively, have been placed on the July 20, 2022 City Commission meeting agenda for First Reading. If the ballot question is approved by the voters on November 8, 2022, the Ordinances will be placed on the first available City Commission meeting agenda for Second Reading.

The Miami-Dade County Elections Department has informed the City Clerk that the City's Resolution calling a November 8, 2022 Special Election must be provided to the County Elections Department by July 29, 2022. Accordingly, it should be noted that the proposed measure may be considered by the City Commission either at the July 20, 2022 City Commission meeting or, at the latest, the Special Meeting scheduled for July 25, 2022.

FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,559.85 (Cost Estimate for One Page Ballot) and \$56,217.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 8, 2022 Special Election, which includes the costs associated with 14 days of Early Voting. (See Department of Election Estimates.) Additionally, the City will incur approximately \$42,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

Amount(s)/Account(s):

\$28,559.85 - Estimate 1-page ballot (Scenario 1)

\$56,217.70 - Estimate 2-page ballot (Scenario 2)

\$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election
(Charter Amendments/Ballot Questions)

Maximum Estimated Amount: \$98,217.70

Account: 011-9322-000312-90-400-592-00-00-00

RAP/ag

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MBEACH(2)-PB-11082022
Estimate Date: June 21, 2022

Registered Voters:	50,287	Early Voting Days:
Precincts:	29	Early Voting Sites:
Polling Places:	24	
Permanent Absentee Ballots:	14,792	

Personnel	\$ -
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>	
Polling Places	-
<i>Security, Polling Place Rentals</i>	
Supplies and Services	-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>	
Trucks and Vehicles	-
<i>Truck Rentals, GSA Vehicles</i>	
Printing and Advertising	25,143.50
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>	
Postage	-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>	
Ballot Creation	820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>	
Administrative Overhead	2,596.35
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>	
*TOTAL	\$ 28,559.85

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022 w/ additional page

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MB-(2)-PB-110822
Estimate Date: June 17, 2022

Registered Voters: 50,287
Precincts: 29
Polling Places: 24
Permanent Absentee Ballots: 14,792

Early Voting Days:
Early Voting Sites:

Personnel	\$ -
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>	
Polling Places	-
<i>Security, Polling Place Rentals</i>	
Supplies and Services	-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>	
Trucks and Vehicles	-
<i>Truck Rentals, GSA Vehicles</i>	
Printing and Advertising	50,287.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>	
Postage	-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>	
Ballot Creation	820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>	
Administrative Overhead	5,110.70
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>	
*TOTAL	<u>\$ 56,217.70</u>

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov